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Report of the Special Rapporteur on the right to food on her mission to Paraguay

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the right to food, Ms. Hilal Elver, on her mission to Paraguay from 4 to 10 November 2016.

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Report of the Special Rapporteur on the right to food on her mission to Paraguay*

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* Circulated in the language of submission and English only.

I. Introduction

1. The Special Rapporteur on the right to food, Ms. Hilal Elver, undertook a mission to Paraguay from 4 to 10 November 2016, at the invitation of the Government, with the aim of assessing the progress made and the challenges faced in realizing the human right to food in the country. The final report will be submitted to the Human Rights Council in March 2017.

2. First, the Special Rapporteur would like to thank the Government of Paraguay for its invitation to visit the country and for its cooperation during the mission. She appreciated the spirit of openness shown by the Government, which gave her the opportunity to enter into a dialogue with the authorities.

3. During her stay, the Special Rapporteur met government representatives from the Ministry of Foreign Affairs, the Ministry of Public Health and Social Welfare, the Ministry of Agriculture, the Ministry of Education, the Social Action Secretariat, the Technical Planning Secretariat for Economic and Social Development, the National Institute of Indigenous Affairs, the National Institute of Rural and Land Development and the National Plant and Seed Quality and Health Service, as well as the President of the Supreme Court and members of Congress. She also met staff members of the United Nations country team and representatives of academic institutions, development agencies, the private sector, the indigenous communities and civil society. During the mission, she also had the opportunity to visit the community of San Juan, Puente Kyha, in Canindeyú Department, and the area known as Bañado Norte, on the outskirts of the city of Asunción.

4. The Special Rapporteur is very grateful to the Human Rights Adviser for Paraguay of the Office of the United Nations High Commissioner for Human Rights and her working group for their invaluable support, both in preparing for her visit and during her mission. She would also like to express her sincerest gratitude to everyone who took the time to meet her, especially those who shared their personal experiences, and would like to put it on record that their contributions were vital to the success of her mission.

II. General situation: food security and nutrition

5. Over the past decade, the Paraguayan economy has grown by 5 per cent a year, on average, which represents a higher level of growth than the majority of the neighbouring countries.[1] During this period, there has also been an impressive reduction in poverty levels, which fell from 44 per cent in 2006 to 22 per cent in 2016. As a result, overall poverty and extreme poverty levels in Paraguay, at 22.24 per cent and 9.97 per cent respectively, are currently at their lowest level, historically, since they were first measured in 1997.[2]

6. Despite its impressive growth, Paraguay has faced problems in dealing with inequality, as reflected in its Gini coefficient of 48.3, which is, nonetheless, higher than in the majority of countries in the region.[3]

7. Significant sectors of society are still excluded from the country's economic development. The population living in extreme poverty, whose monthly per capita income

[1] See World Bank, Paraguay: General overview, available at www.bancomundial.org/es/country/paraguay/overview.

[2] See Directorate-General of Statistics, Surveys and Censuses, key results, *Continuous Household Survey*, 2015.

[3] See World Bank, World Development Indicators, table 2.9, available at http://wdi.worldbank.org/table/2.9.

does not cover the cost of a minimum food basket, amounts to approximately 687,000.[4] The exclusion is greatest in rural areas, where extreme poverty rates are three times higher than in urban areas.

8. Discrimination is largely responsible for the exclusion in Paraguay. It constitutes a structural and generalized problem affecting human rights, including the right to food, particularly among indigenous peoples, women, older persons, persons with disabilities and small farmers.

9. The lack of access to adequate and nutritional food continues to present a challenge for about 10 per cent of the population, which remains undernourished.[5] According to the recently published Global Food Security Index, Paraguay comes 67th out of 112 countries and lowest but one in South America.[6] About 10 per cent of children under 5 years of age are currently under average height and among the children of indigenous peoples the chronic malnutrition rate is as high as 41.7 per cent.[7] Many of the effects of malnutrition are irreversible. The lack of access to adequate and nutritious food will have a negative impact on future generations in Paraguay, so this must be tackled as a matter of urgency.

III. Legal framework and institutional framework of public policies

A. Legal framework

10. Paraguay is a founder member of the United Nations and a current member of the Human Rights Council. As a State party to the International Covenant on Economic, Social and Cultural Rights, Paraguay has the obligation to respect, protect and guarantee the right to food and has undertaken to take appropriate steps, to the maximum of its available resources, to ensure the realization of the right to an adequate standard of living, including access to adequate food, as set out in articles 2 (1) and 11 of the Covenant.

11. Paraguay is also party to other international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, all of which contain provisions explicitly relating to the right to adequate food.

12. Within the inter-American system, Paraguay is party to the American Convention on Human Rights and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador). Article 12 (1) of the Protocol specifically states that everyone has the right to adequate nutrition which guarantees the possibility of enjoying the highest level of physical, emotional and intellectual development.

13. Under these international instruments, the State is required to adopt practical measures for the progressive realization of the human right to food, using its available resources to the maximum. The human right to food means the right to have regular, permanent and unrestricted access to food, either directly or through purchase, at a level

[4] See Directorate-General of Statistics, Surveys and Censuses, *Continuous Household Survey*, 2015.

[5] See Food and Agriculture Organization of the United Nations (FAO), FAO Hunger Map 2015, available at www.fao.org/hunger/es/.

[6] See *The Economist*, Global Food Security Index, available at http://foodsecurityindex.eiu.com/Country/Details#Paraguay.

[7] See A/HRC/30/41/Add.1, para. 49.

that is sufficient and adequate in both qualitative and quantitative terms, that corresponds to the cultural traditions of the population to which the consumer belongs and that ensures a fulfilling and dignified life free of fear, physically and mentally, for the individual and the collective. The right to adequate food will have to be realized progressively. However, States have a basic obligation to take the necessary action to mitigate and alleviate hunger, even in times of natural or other disasters.

14. At the national level, article 137 of the Constitution of Paraguay emphasizes the importance of basic rights as indispensable components of a democratic order and recognizes a wide range of human rights. It states that international instruments are an integral part of national law, taking precedence over legislation adopted by the legislature.

15. The right to food is enshrined in the Constitution only indirectly or in relation to specific groups, such as children and older persons. The right to food is also indirectly protected in the Constitution in relation to the rights to life and health.

16. The Special Rapporteur would like to emphasize the importance of an explicit recognition in the country's law of the right to adequate food. The justiciability of economic, social and cultural rights, including the right to adequate food, enables people who claim that they are victims of violations of these rights to submit a complaint before an independent and impartial body, to seek adequate redress and to enforce an appropriate remedy. The Special Rapporteur would like to emphasize that the availability of legal action is basic to the protection of human rights and that the ratification of the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child would enable everyone, including children, to obtain effective redress.

17. A general legal framework on the right to adequate food could help to ensure the consolidation of a whole range of policies, strategies and programmes. It should emphasize both the economic and physical accessibility and the availability and adequacy of food.[8]

B. Institutional framework and public policies

18. Over the past few years, Paraguay has included the reduction of extreme poverty and child malnutrition among its political priorities. By adopting the National Development Plan 2030, the Government took an important step in this direction. The aim of the Plan is to coordinate activities at various levels of government, civil society and the private sector to combat poverty. The Plan focuses on the most vulnerable sectors in Paraguay, with particular emphasis on the indigenous peoples.

19. During her mission to Paraguay, the Special Rapporteur observed the positive action taken by the Social Action Secretariat to adopt a human rights-based approach to the implementation of its social programmes. The Special Rapporteur encourages the Government to continue its efforts to ensure that the plan incorporates human rights indicators on the right to food, developed with support from the Paraguay country team of the office of the United Nations High Commissioner for Human Rights, in order to ensure a human rights focus.

20. An essential condition for the proper implementation of social programmes is that the legislative and executive branches should guarantee sufficient resources for their implementation and sustainability. The Special Rapporteur therefore congratulates Paraguay on having increased its social expenditure from 12 per cent in 2007 to about 17 per cent in 2014. In absolute terms, per capita investment in social expenditure, in all its

[8] See A/HRC/31/51/Add.1, para. 60.

forms, was less than US$ 500 a day, whereas per capita investment in neighbouring countries, such as Uruguay and Chile, amounted to US$ 2,200 and US$ 3,000 per capita, respectively.[9]

21. The Special Rapporteur takes note of the appointment of the Ombudsman for the protection and promotion of human rights. This appointment was made during the week of her mission, after a long period during which the post remained unoccupied. The proper functioning of an independent institution overseeing human rights, in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles), is crucial to the protection and promotion of human rights.

22. The Special Rapporteur congratulates Paraguay on its work to establish an inter-agency mechanism, the System for the Monitoring of Recommendations, which was set up by Paraguay to follow up activities carried out in implementation of international recommendations on human rights.

23. She also notes that Paraguay adopted its National Human Rights Plan in 2013. However, she recommends that the Plan should be implemented in accordance with the recommendations made by the Human Rights Council in 2013.

IV. Availability: agricultural sector and policies

24. The availability of food is predicated on the existence of sufficient food produced from natural resources or for sale in the market to satisfy the needs of the population, whether by cultivating land or by engaging in animal husbandry or other ways of obtaining food, such as fishing, hunting or gathering. Everyone should be able to obtain sufficient food of good quality, either through market systems or direct from the land and other natural resources.

25. Paraguay is a country with a high level of self-sufficiency in food. Historically, the Paraguayan economy has been based on agricultural production and this remains the case. The contribution of the agricultural sector to gross domestic product (GDP) is still about 27 per cent and the same percentage of the population works in agriculture. As regards foreign currency earnings, more than 75 per cent of export earnings are generated through agricultural products and their derivatives.

26. Paraguay is rich in natural resources. The use of these natural resources for agricultural activities has increased significantly over the past few years and now, according to the National Agricultural Census 2008, extends to over 31 million hectares, or 76 per cent of the total area of the country.

27. The Government of Paraguay, while still importing basic foods, has adopted measures to strengthen the agricultural sector, thus moving from being an importer to being an exporter on a large scale. Paraguay is currently the fourth biggest exporter of soya in the world, with production rising from about 6 million tons in 2007 to over 9 million tons in 2015.[10] Paraguay is also the world's third-largest beef exporter and has some 13.6 million

[9] Economic Commission for Latin America and the Caribbean (ECLAC), *Social Panorama of Latin America 2015* (LC/G.2691-P), Santiago, 2016.

[10] United States Department of Agriculture, https://www.fas.usda.gov/data/paraguay-oilseeds-and-products-annual.

head of cattle. The country exports about 2.6 million tons of rice, 2.4 million tons of maize and half a million tons of wheat a year.[11]

28. On the other hand, between 2005 and 2015, the value of imported vegetables and pulses grew by approximately 300 per cent. Over the same period, the total value of imported fruit increased by approximately 412 per cent.[12]

A. Family agriculture and large-scale agriculture for export

29. According to FAO, the rural sector of Paraguay is made up of two sharply differentiated groups of producers. The sector is characterized by two different methods of production: on the one hand, family agriculture and, on the other, large-scale agriculture for export. There appears to be a socioeconomic disparity between the two groups of agricultural producers, owing to a range of factors involving both the productive process and access to means and resources that could generate opportunities for significant improvement in the quality of life in the sector. Industrialized farms producing soya and wheat, among other crops, represent 9 per cent of producers but have access to 94 per cent of the country's fertile land. By contrast, the remaining 91 per cent of rural producers have access to only 6 per cent of the land.[13]

30. Article 6 of Act No. 2419/2004 establishing the National Institute of Rural and Land Development defines peasant family agriculture as "agriculture in which the basic resource is labour supplied by the family unit, providing produce that is basically for private use but partly commercial, complementing earnings from other forms of production of an artisanal or off-farm nature."[14] Most of the food served on tables in Paraguay is produced by family farms, with their diverse production of vegetables, fruit, animals, poultry, eggs, beans and cassava.

31. Family farms provide an important source of work. Two out of every five people in the labour market in Paraguay work in the agricultural sector and most of them in the family agriculture sector.[15] Industrial-level large-scale agriculture uses a much smaller workforce per hectare than the production methods used on small farms. A typical establishment producing soya in Paraguay requires one worker for about 400 hectares, whereas a peasant family normally works 10 hectares.

32. The low demand for labour on large farms, combined with a fall in the competitiveness of the peasant family farms, has forced many peasant farmers to abandon their livelihood and their communities and to seek employment to enable them to feed their families. It is estimated that every year approximately 200,000 people in Paraguay migrate to large cities, such as Asunción and Ciudad del Este.

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[11] Ibid., http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Grain%20and%20Feed%20Annual_Buenos%20Aires_Paraguay_4-15-2016.pdf.

[12] Gerardo Benitez, *Agricultura Familiar: ODM y Gasto Público*, Asunción, Centro de Análisis y Difusión de la Economía Paraguaya, 2016.

[13] International Fund for Agricultural Development, Mejoramiento de Ingresos de la Agricultura Familiar Campesina e Indígena en los Departamentos de la Región Oriental del Paraguay (Improving peasant and indigenous family farming incomes in the departments of the Eastern region of Paraguay), in-depth design report.

[14] Quintín Riquelme, *Agricultura Familiar Campesina en el Paraguay* (Peasant family farming in Paraguay), Asunción, Centro de Análisis y Difusión de la Economía Paraguaya, 2016, p. 17.

[15] World Bank, "El talón de Aquiles de la agricultura en Paraguay" (The Achilles heel of agriculture in Paraguay), available at www.bancomundial.org/es/news/feature/2014/12/05/el-talon-de-aquiles-de-la-agricultura-en-paraguay.

33. Paraguay adopted Act No. 1863/02 establishing the Agrarian Act, article 25 of which gives priority to supporting peasant families. To that end, it establishes certain criteria for the protection of landholdings that contain settlements. These criteria include "rehabilitating, managing and conserving land ... the fundamental basis of productive sustainability" (para. 25 (a)) and "encouraging the development of diversified production systems for family use, with the aim of achieving food security for the family" (para. 25 (b)).

34. However, the State has not acted to strengthen or stimulate the sector. Indeed, there has been a notable decrease in public expenditure on programmes to support family agriculture. This expenditure amounted to 0.14 per cent of GDP in 2015, which is much lower than the rates in 2005 and 2012, when the percentages were 0.42 per cent and 0.41 per cent, respectively.[16]

35. Following a number of years of good results and rising productivity, the Paraguayan agricultural sector is currently under considerable pressure, since the prices of various export products have fallen. This means that agricultural earnings barely cover production costs and producers are faced with rising debts.[17] It could be risky for Paraguay to depend heavily on the large-scale agricultural export sector, inasmuch as the country becomes dependent on world prices for agricultural products and loses a considerable degree of self-sufficiency.

B. Access to land by peasant farmers and indigenous peoples

36. Access to land and security of tenure are also essential in order to ensure that small farmers can achieve a decent standard of living. As stated above, the right to food imposes a duty on States not to deprive individuals of access to the productive resources on which they depend.

37. Land distribution in Paraguay is among the most unequal in Latin America. According to data obtained during the Special Rapporteur's mission, between 60 per cent and 80 per cent of land belongs to 2 to 3 per cent of the population. According to the official register of the National Institute of Rural and Land Development (INDERT) for 2011, there were about 75,000 peasant farmers without access to land, although peasant farmer organizations maintain that as many as 300,000 small farmers and their families are totally deprived of access to land.[18] Data on the land situation of indigenous peoples show that 357 communities (72.4 per cent) state that they have their own land and 343 communities hold title of ownership.[19]

38. Of the member countries of the Common Market of the Southern Cone (MERCOSUR), Paraguay has the greatest inequality as regards land tenure in the agricultural sector. Estimates of the average surface area worked per operational unit show that in Paraguay there are 7 hectares per productive unit, which is less than what is set out

[16] Benitez, op.cit.

[17] http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Grain%20and%20Feed%20Annual_Buenos%20Aires_Paraguay_4-15-2016.pdf.

[18] "Hay solo 74.179 campesinos 'sin tierra' en todo el país, según Indert" (Only 74,179 peasant farmers countrywide "without land", claims INDERT), *ABC*, 9 March 2011; available at www.abc.com.py/edicion-impresa/economia/hay-solo-74179-campesinos-sin-tierra-en-todo-el-pais-segun-indert-229566.html.

[19] Directorate-General of Statistics, Surveys and Censuses, *Third National Population and Housing Census of Indigenous Peoples*, 2012.

in the Agrarian Act of 2002. The Act establishes 10 hectares as the basic unit of production required to enable a farmer to develop his or her productive capacities.[20]

C. Forced evictions and social conflict

39. The inequality in the distribution of land in Paraguay has been aggravated by the complex and bureaucratic procedures required to obtain title to land. The lack of a comprehensive land register has led to the overlapping of titles to property and this creates the conditions for multiple claims on the same parcel of land.

40. The Special Rapporteur is concerned that forced evictions from peasant farmer communities and indigenous communities continue to be carried out in various parts of the country. In most cases, such evictions involve the use of violence by State or private security. During her mission, the cases brought to her attention included the situation in Colonia Guahory, a State-run settlement in Tembiaporá, Caaguazú Department, intended for peasant farmer families who have no land, and the eviction of 15 indigenous Ava Guaraní families from a property in Minga Porã, Alto Paraná Department.

41. Although the Special Rapporteur was unable to verify the claims received in this regard, the cases of which she was informed are indicative of a growing conflict over land and of delays in the implementation of agrarian reform. An effective protection mechanism against such forced evictions must therefore be put in place.

42. Where a community is settled on a parcel of land and depends on that land for its support, the obligation to respect the right to food requires that the eviction of the community from that land is prohibited, except in certain circumstances. No eviction should be carried out that is not in accordance with the criteria set out in general comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights on the right to adequate housing (article 11 (1) of the Covenant): Forced evictions or in the basic principles and guidelines on development-based evictions and displacement.[21] These guidelines constitute a practical tool to assist States and agencies in developing policies, legislation, procedures and preventive measures to ensure that forced evictions do not take place, to prevent violence and to provide effective redress for persons whose human rights have been violated.

43. The failure to resolve legal situations gives rise to social conflict and, in some cases, violence. The situation in Marina Kue, Curuguaty, Canindeyú Department, provides a particularly telling example. The Special Rapporteur was informed that, in this case, an unresolved conflict on access to land led to a forced eviction in 2012, during which 6 police officers and 11 members of the community lost their lives. The legal situation of the land in this case remains unresolved. The Special Rapporteur urges that measures be taken to resolve this and other cases in order to avoid potential tragedies relating to land claims in the future.[22]

[20] Riquelme, op.cit. The calculation is 1,960,018/264,047.

[21] A/HRC/4/18.

[22] In accordance with Act No. 5530/2015 adopted by the Senate on 5 November 2015, the land at Marina Kue was handed over to the Ministry of the Environment for conversion into a protected wildlife area.

D. Agrarian reform

44. In view of the extremely unequal distribution of land in rural areas, it may be insufficient to strengthen security of tenure. Redistribution of land may be required. Article 11 (2) (a) of the International Covenant on Economic, Social and Cultural Rights recognizes the connection between the right to food and the use of natural resources, stating that States should adopt the necessary measures to develop and reform "agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources." This should be seen as a spur to agrarian reform, leading to a more equitable distribution of land in favour of small farmers, owing to the inverse relationship between the size of a farm and productivity, and because small-scale agriculture (and closer links with the land) may lead to more responsible use of the land.[23]

45. During her mission, the Special Rapporteur met various communities of small farmers and indigenous peoples and heard complaints about the serious lack of government support on a number of issues, including access to land, seed conservation, loans, agricultural insurance, access to markets and the level of prices for the marketing of crops. The evidence that she heard shows the vital importance of the full implementation of agrarian reform.

46. Article 114 of the Constitution provides that agrarian reform is one of the key factors in achieving rural well-being and ensuring that the rural population is included in the country's economic development. Agrarian reform must be accompanied by action to provide technical assistance, access to microcredit, the provision of training services and investment in agricultural infrastructure and irrigation systems to help small farmers. Small farmers and indigenous peoples must be the principal beneficiaries of public investment that will enable them to overcome the disadvantages resulting from the lack of economies of scale.

V. Accessibility of adequate food: action against rural and urban poverty

47. Food should be physically accessible to everyone, including persons living in remote areas and physically vulnerable persons, such as older persons or persons with disabilities. It should also be possible to purchase food for an adequate and culturally acceptable diet without compromising any other basic needs, such as education, health or housing.

A. Social protection

48. Access to sufficient and nutritious food is restricted by poverty and income levels. Social protection is an essential means of providing access to food for persons who cannot work or produce their own food. It may include a wide range of services, including food aid, rental support, health care or housing subsidies, the aim being to protect people from accidents, loss of income, inadequate income, parenthood and ageing.

49. Article 95 of the Constitution of Paraguay refers to social security, stipulating that "[a] mandatory comprehensive social security system for employees and their families shall be established by law. Its extension to every sector of the population shall be promoted." The Social Security Directorate-General of the Ministry of Labour, Employment and Social Security is the administrative authority responsible for social security.

[23] See the interim report of the Special Rapporteur on the right to food (A/65/281).

50. An analysis of the data on informal employment trends in Paraguay between 2010 and 2014 shows that the percentage of persons engaged in employment classified as informal was 69.2 per cent in 2010, dropping to 63.2 per cent in 2014. It is clear that the employed population living in rural areas is more involved in informal employment. It is also noteworthy that there was a greater decrease in informal employment in rural areas over the period 2010-2014, as shown by the fact that the number of informal jobs fell from 83.9 per cent in 2010 to 74.3 per cent in 2014. A comparison by sex shows that the rate of informal employment was higher among women than among men in the two areas and over all the years of the period under consideration. In 2014, 65.9 per cent of employed women were in informal employment, while the corresponding figure for men was 61.1 per cent.[24]

51. As a result of coordination under the Sembrando Oportunidades (Sowing opportunities) programme and the work of the Social Action Secretariat in the management of its flagship programmes, there has been a marked improvement in the targeting of the State's social policy programmes. In June 2016, there was a 66 per cent increase in the number of families participating, since the start of the current Government, in its main programme, Tekoporã, which means that 132,760 families living in a situation of poverty or vulnerability receive cash transfers on a basis of joint responsibility and support. Consequently, 30 per cent of people in the lowest income quintile are covered by social protection, including the Tekoporã programme, pensions and benefits for adults. It is crucial that these programmes should be extended and coordinated until universal inclusion is achieved.

52. The families receive US$ 16 a month, on average, the actual amount depending on the composition of the family. The Special Rapporteur appreciates the fact that additional payments are made to family members with light or severe disabilities and to indigenous families (which receive almost US$ 40 a month).

53. Food insecurity is closely related to poverty. Social assistance programmes have had a positive impact on food security by increasing access to more varied and better quality food. Such programmes have also improved food security through increases in domestic production.[25] Beneficiaries of the Tekoporã conditional cash transfer programme invested between 45 per cent and 50 per cent more in agricultural production and gained 6 per cent more opportunities to acquire small breeding animals, such as poultry and pigs.[26]

B. Poverty in the urban environment

54. Poverty and low income levels in urban areas prevent access to adequate food and nutrition, and also to other services. It should be noted that, while extreme poverty has decreased in rural areas in Paraguay, it has not decreased in urban areas, where there was shown to have been a small increase in 2016 of 4.67 per cent, according to the latest household survey.

55. The urbanization rate in Paraguay grew 2.1 per cent annually between 2010 and 2015. Currently, 60 per cent of the population live in urban areas, but, under current trends, 1.5 million additional people are forecast to move to the cities by 2025.[27] The Special Rapporteur was informed of initiatives taken by the Government to mitigate the effects of the urbanization process, through the Tekoha programme, among others, by guaranteeing

[24] Directorate-General of Statistics, Surveys and Censuses, *Informal work. Continuous Household Survey, 2010-2014*, 2016.

[25] *The state of food and agriculture 2015*, FAO, Rome, 2015.

[26] Ibid.

[27] http://fenix.fao.org/faostat/beta/en/#country/169.

access to title to land of families living in a situation of poverty and vulnerability in the cities. This internal migration has, in any case, a considerable impact on people who are obliged to give up their livelihood in rural areas to migrate to the cities.

56. During her mission, the Special Rapporteur noted significant disparities in Asunción. While some residents of the city enjoy good living conditions, others are forced to live in extremely precarious conditions, for example in the informal settlements in the area known as Bañado Norte. This area suffers periodic floods caused by the Paraguay River, which runs through the city. Most of the residents of this area are involved in the informal economy, engaging in recycling or small animal husbandry. According to the Government, over 60,000 displaced persons are currently living in the hostels and shelters set up in Asunción for families affected by the flooding of the Paraguay River.[28]

57. Social security tends to provide less coverage in urban areas; social programmes in Paraguay reach only 12.4 per cent of persons living in poverty in the cities, as against 38 per cent in rural areas.[29] Many persons living in poverty in urban areas face a daily battle to feed their families. Without a steady or sufficient income, such households struggle to provide their children with adequate food, often resorting to processed foods or junk food instead. Incapable of producing their own food, such families are vulnerable to rises in food prices.

58. People living in Bañado Norte told the Special Rapporteur that they had repeatedly been obliged to move. Moreover, they are currently under threat of eviction, owing to a project to build a road along the coast, known as Costanera de Asunción, which passes through Bañado Norte. The housing offered by the State for relocation is often a long way away from where they live and people are afraid to lose the opportunities for work, both formal and informal, that they currently have.

C. School meals

59. School meals are key to tackling malnutrition and promoting a healthy diet. With the adoption of Act No. 5210/14 on school meals and monitoring of health, the School Meals Programme, coordinated by the Ministry of Education and Culture, aims to ensure that students can exercise their right to food and acquire good eating habits and a healthy way of life.

60. A large proportion of the resources allocated to school meals is provided by Act No. 4758/12, which established the National Public Investment and Development Fund. The Act also gives priority to the procurement of food produced by family farms. To that end, the Government issued a decree in 2013 to simplify the process of public procurement of agricultural products from family farms, thus enabling small farmers to have a guaranteed market and to sell their products.

61. Local governments play an essential role in implementing the Act outside the capital, because they are the authorities responsible for ensuring the availability of school meals in their territories under the implementing authority, the Ministry of Education and Culture. It would be useful to improve coordination to guarantee children the right to food.

62. In Asunción, all primary-level pupils at public or subsidized schools are entitled to school meals. In rural areas, coverage is more limited, although, under current legislation, it should be universal. Countrywide, 43 per cent of students are entitled to lunch at school and

[28] www.informepresidencial.gov.py/servicios-sociales-eficientes-2016#cje1.

[29] www.dgeec.gov.py/Publicaciones/Biblioteca/condicion-vida-2015/Condiciones%20de%20Vida%20EPH2010-2015%20final.pdf.

77 per cent to snacks.[50] To ensure that the policy sticks to the principle of non-discrimination, it is crucial that action should be taken to speed up implementation in rural areas, where the incidence of malnutrition and poverty is more marked.

63. One problem mentioned by the Ministry of Education and Culture with regard to a healthy diet is that students eat in private school cafeterias rather than eating the lunches provided by the Government. Some students eat such food as fried meat, fried potatoes and soft drinks — low-quality food high in calories and sugar and low in micronutrients and vitamins — which makes their diet less healthy.

VI. Adequate food: malnutrition, obesity and healthy diets

64. To be considered adequate, food must meet a person's dietary needs, depending on his or her age, living conditions, health, occupation and sex, among other factors. To be adequate, food should also be safe for human consumption, free of harmful substances, culturally acceptable and nutritious.

65. Paraguay is on the way to achieving its objective of halving the percentage of the population that suffers from hunger, according to a FAO report on food insecurity. Malnutrition has fallen by 46.6 per cent since 1990, but 10.4 per cent of the population is still undernourished.[51]

A. Below-average height and wasting

66. The first 1,000 days of life determine a person's physical and intellectual development. It is estimated that children who receive appropriate nutrition during this period are 10 times more likely to survive potentially fatal childhood diseases. They are also more likely to complete 4.6 levels of education and themselves to have children who are healthier.[52]

67. Data on the nutritional status of children under 5 years of age, provided by the Food and Nutrition Monitoring System of the Ministry of Public Health and Social Welfare show that, between 2012 and 2015, the incidence of chronic malnutrition and below-average height fell from 14 per cent to 11.3 per cent, while acute malnutrition and wasting rose from 5 per cent to 5.6 per cent.[53]

68. Statistics on schoolchildren and adolescents aged between 5 and 18 years who attend public or private schools show that 3.8 per cent are of below average height, while 16 per cent are at risk of being so.[54] The risk increases with age and is higher in rural than in urban areas. As for wasting, 2.2 per cent are underweight, while 8.8 per cent are at risk of being so. The risk does not vary with age and is commoner in urban areas.

69. Pregnant women are particularly vulnerable to malnutrition. Although they require 35 per cent less food energy a day than men, they need the same quantity of nutrients. In Paraguay, almost 27 per cent of pregnant women have a less than ideal body weight. Deficient maternal nutrition, especially during pregnancy, has a direct impact on a child's

[50] Ministry of Education and Culture: on the basis of the number of children enrolled in preschool and the first, second and third years of primary education in institutions in the official sector.
[51] *Regional Overview of Food Insecurity: Latin America and the Caribbean*, FAO, 2015.
[52] Interim report of the Special Rapporteur on the right to food, 2016 (A/71/282).
[53] Ibid.
[54] Ministry of Health: "Nutritional situation of schoolchildren and adolescents attending public and private schools 2007-2015".

development and survival. Undernourished mothers are more likely to give birth to babies of lower than normal weight and those babies are more likely to die before the age of 5 years.[57]

70. Ministerial Decision No. 65/2010 established the Comprehensive Food and Nutrition Programme to assist with the nutritional treatment of vulnerable populations. In its extended form, the programme ensures that all children under the age of 5 years and underweight or malnourished pregnant women living in poverty receive, free of charge, a monthly nutritional supplement and assistance with good food practices in the family setting. In 2016, the programme received an increase of almost US$ 6 million, with the result that it now has a budget of US$ 19.5 million. Of that amount, 87 per cent will be allocated to the purchase of enriched milk for vulnerable groups.[58]

71. Policy on nutrition should be multidimensional and should avoid promoting isolated action against malnutrition, such as "medicalized" or product-based approaches focusing on ready-to-use foods. Measures that have been adopted have been criticized as unsustainable "technical" solutions to social problems. Moreover, such initiatives may undermine dietary diversity, have a negative impact on healthy food practices and adversely affect small-scale local producers, because they ignore the sources of accessible, sustainable and culturally appropriate food.[59]

B. Excess weight and obesity

72. Unbalanced nutrition occurs where the body receives excess food energy as a result of eating too much, eating inappropriate food or not taking enough exercise. Unbalanced nutrition leads to excess weight and obesity. In the past, it was thought that malnutrition and hidden hunger were a feature of the developing world. Now, however, it is recognized that different forms of malnutrition coexist in most countries.[60]

73. Paraguay is currently at a stage of epidemiological transition characterized by a marked increase in non-communicable disease risk factors. According to the First National Survey of Non-communicable Disease Risk Factors, over 50 per cent of adults of both sexes are overweight and 20 per cent are obese.[61] About 30 per cent of pregnant women using the health service in 2014 were overweight.[62] Obesity is more prevalent among the urban population and tends to increase with age.

74. The increase in the prevalence of child obesity among schoolchildren and adolescents has become a public health problem. According to data provided by the Food and Nutrition Monitoring System, in 2007, 21 per cent of schoolchildren and adolescents were overweight or obese. The current figure is around 30 per cent.[63] The promotion of a healthy diet and physical activity in schools is fundamental to the battle against the epidemic of child obesity. Since children and adolescents spend a significant part of their

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[57] A/71/282.

[58] 19,523,100 million guaranies (www.mfinempresidencial.gov.py/servicios-sociales-eficientes-2016#ejc1).

[59] A/71/282, op. cit.

[60] Ibid.

[61] Ministry of Public Health and Social Welfare, *National strategy for obesity prevention and control*, Asunción, 2015.

[62] Ministry of Public Health and Social Welfare, "Nutritional situation of pregnant women using the health services."

[63] Ministry of Public Health and Social Welfare, *National strategy for obesity prevention and control*.

lives in school, the school environment is the ideal place for them to gain an understanding of the options for healthy food and physical activity.[65]

75. The National Strategy for Obesity Prevention and Control 2015-2025 focuses on four main themes, with a view to reducing the prevalence of obesity in Paraguay. The Special Rapporteur welcomes the Strategy but notes that its impact will need to be evaluated on the basis of the relevant human rights indicators.

C. Breastfeeding

76. The World Health Organization recommends breastfeeding in the first hour after birth and continued exclusive breastfeeding during the first six months of life. Once that stage has been passed, appropriate supplementary foods should be introduced, in conjunction with breastfeeding, and that practice should continue until a child is at least 2 years of age. Breastfeeding has a positive effect on the mother's health, as well as benefiting the child.

77. The Special Rapporteur welcomes the introduction of the Act on the Promotion and Protection of Motherhood and Support for Breastfeeding, which is crucial to ensuring the adequate nutrition of babies, and the "Child-friendly hospitals" initiative of the Ministry of Public Health and Social Welfare, which promotes 10 steps for better breastfeeding and encourages mothers not to accept samples or use infant formulas that compete with breastmilk. The Special Rapporteur received complaints during her mission that packs containing formulas for newborn babies were distributed to new mothers in some hospitals and urges greater efforts to ensure compliance with the law.

VII. Sustainability: risks associated with large-scale soya production

78. In accordance with the principle of sustainability, States should introduce appropriate measures and impose regulations on the private sector to ensure that practices that have an impact on food, land or natural resources do not put the wide availability or the accessibility of food at risk.

79. The development model adopted by Paraguay promotes rapid economic growth through activities such as monoculture, particularly in relation to the massive expansion of soya cultivation and livestock farming. Among the results of this model are high rates of deforestation and the extensive use of chemical fertilizers and pesticides.

80. As described above, soya has become a major export product for Paraguay. In 2006, soya production used about 1.6 million hectares of land and, by 2016, that figure had risen to about 3.6 million hectares.[67] Recently, plans for a twice-yearly harvest were introduced. This technique potentially overexploits the land and the lack of rotation may increase the risk of pests. In neighbouring Brazil, for example, the leading State producer of soya, Mato Grosso, has, since 2015-2016, established a soya-free period of almost a year as a protection measure, for the sole purpose of guarding against a potential increase in diseases and pests.[68]

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[65] Ibid.

[67] United States Department of Agriculture, https://www.fas.usda.gov/data/paraguay-oilseeds-and-products-annual.

[68] http://en.agronomy.com/news/risky-practice-to-lift-paraguay-soy-harvest-to-record-high--8011.html.

81. In the context of large-scale industrial agriculture, it is vital that development plans and policies should take into account the real cost of protection measures for such resources as land and water and the impact of environmental degradation on future generations, instead of concentrating solely on short-term gain and economic growth.

A. Excessive use of pesticides

82. The expansion of soya cultivation in Paraguay has been accompanied by an excessive use of pesticides. According to the National Plant and Seed Quality and Health Service, herbicide imports grew by 500 per cent, pesticides by 300 per cent and insecticides by almost 1,400 per cent between 2009 and 2013.[45] In October 2016 alone, Paraguay imported 78,000 tons of pesticides.[46]

83. The right to a healthy environment is recognized in article 7 of the Constitution, which provides that "[e]veryone has the right to live in a healthy, ecologically balanced environment," and article 8 relating to environmental protection, which includes the provision that "[a]ctivities that are likely to cause environmental changes shall be regulated by law. The law may also restrict or prohibit such activities as are considered hazardous."

84. Pesticide use in Paraguay is governed by Act No. 123/91. It is essential that the Act should be effectively implemented, since the Special Rapporteur received complaints during her mission to Paraguay concerning the lack of advance warning, the use of pesticides in proximity to neighbouring communities and the failure to monitor and comply with the mandatory buffer zones.

85. The Special Rapporteur was informed that the Ministry of Agriculture and Livestock, the National Plant and Seed Quality and Health Service and the Chamber of Phytosanitary Products and Fertilizers had signed a cooperation agreement with a view to promoting best agricultural practices, specifically in the use and responsible management of pesticides. She urges its effective implementation.

86. Exposure to pesticides can have a harmful impact on human health; children and pregnant women are particularly vulnerable to its effects. The Special Rapporteur took the opportunity to interview men and women who had been affected by the excessive use of agrochemicals, contracting skin diseases and digestive and respiratory problems.

87. In view of the indivisibility of human rights, the adverse effect of pesticides, in addition to violating the right of access to safe and adequate food, violates other human rights. Article 12 of the International Covenant on Economic, Social and Cultural Rights, provides for the right to the highest attainable standard of health (para. 1) and requires States to take measures to improve all aspects of environmental and industrial hygiene (para. 2 (b)). Exposure to pesticides, whether at work or at home or in the form of waste products in food or water, would violate a person's right to the highest attainable standard of health.

88. The indiscriminate use of pesticides also results in water pollution and, in the long run, adversely affects the quality and fertility of the soil.

[45] Statistical reports by the National Plant and Seed Quality and Health Service and calculations by FoodFirst Information and Action Network (FIAN) International, Paraguay, made available to the Special Rapporteur during her visit in November 2016.

[46] National Plant and Seed Quality and Health Service, Journal, Oct. 2016.

B. Genetically modified organisms

89. Biotechnology is the most rapidly adopted crop technology in the history of modern agriculture. Paraguay is the seventh largest producer of genetically modified crops in the world, with 3.6 million hectares.[47]

90. Paraguay has ratified the Convention on Biological Diversity and the International Treaty on Plant Genetic Resources for Food and Agriculture.[48] The Special Rapporteur was informed of and supports the passage of a bill on native and creole seeds, the aim of which is to protect and preserve native and creole seeds, to guarantee farmers' rights to store, use and exchange their seeds, to protect their seeds from biopiracy and contamination by patented genes and to preserve the associated traditional knowledge.

91. As stated by the Committee on Economic, Social and Cultural Rights, the right to food places an obligation on States to participate actively in actions aimed at improving people's access to and utilization of resources and means to assure their livelihood. Such access definitely includes productive resources such as seeds. It also means that intellectual property regimes and seed policies must be compatible with the right to adequate food that is conducive to the enjoyment of that right.

VIII. Population groups requiring special attention

A. Indigenous peoples

92. The rights of indigenous peoples, especially their collective territorial rights, are internationally protected by the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples. The right to food is guaranteed by the International Covenant on Economic, Social and Cultural Rights and also by the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

93. According to the latest National Indigenous Population and Housing Census, conducted in 2012, the indigenous population of Paraguay amounts to 117,150 (almost 2 per cent of the country's total population), living in 13 departments, in both the Eastern and the Western Regions, and in Asunción. In Paraguay, there are 19 indigenous peoples, belonging to five linguistic families: Guaraní, Maskoy, Matako-Mataguayo, Zamuco and Guaicurú.

94. The Special Rapporteur on the rights of indigenous peoples reported that the poverty and extreme poverty rates among the indigenous peoples, which amounted to 75 per cent and 60 per cent, respectively, were higher than the national average. Their enjoyment of the right to food was thus affected to a greater extent than the rest of the population.[49] The reason for this is not the lack of availability of food, but discrimination. Many members of the indigenous peoples have testified to the disappearance of their way of life without their being granted access to the dominant economic system of the country.

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[47] For the twentieth anniversary (1996-2015) of the global marketing of genetically modified crops and highlights of genetically modified crops in 2015, see International Service for the Acquisition of Agri-biotech Applications (ISAAA) Brief 51-2015, available at www.isaaa.org.

[48] Act No. 253/93 and Act No. 3194/07.

[49] A/HRC/30/41/Add.1.

95. Historically, many indigenous peoples have been expelled from their lands and forced to live in poverty by roadsides or in cities. It should be noted that the Inter-American Court of Human Rights ruled that the Paraguayan State should return their ancestral lands to three indigenous communities, the Yakye Axa, the Sawhoyamaxa and the Xákmok Kásek, and the Special Rapporteur urges that the ruling should be fully implemented.

96. In 2016, the Government provided indigenous families with assistance in 11 of the 13 departments in which their territories are located. The assistance involved a total of 16,372 families, representing approximately 80,790 people, or almost 70 per cent of the total indigenous population.[50] It is important that any measures taken to assist indigenous peoples respect their human rights.

B. Women

97. Analysis from a gender perspective is key to understanding the causes of malnutrition. Women produce between 60 per cent and 80 per cent of food in developing countries, which represents half of global production. In the 2008 National Agricultural Census in Paraguay, only 22 per cent of rural women feature as producers, while men make up 78 per cent of that category. Rural women who are not considered producers do not have access to loans and are not beneficiaries of programmes helping them to increase their knowledge and capacities to increase productivity.[51]

98. It is crucial that women should be given a higher profile and be officially recognized as producers. The recent Act No. 5446 on public policies for rural women has the aim of promoting and guaranteeing the economic, social, political and cultural rights of rural women, which are fundamental to their empowerment and development. This legal framework is an important step towards the recognition of their rights and equal opportunities in access to resources.

99. Generally speaking, income opportunities are more limited for women than for men. In 2014, the employment rate in Paraguay was 64.5 per cent, but only 51 per cent of women were in work, either formally or informally, as against 78 per cent of men. Such discriminatory situations must be tackled in order to guarantee everyone the right to food.

C. Older persons

100. The number of older persons — those over 60 years of age — in Paraguay has risen to almost 744,000, which represents about 10 per cent of the total population. Older persons are particularly vulnerable to human rights violations and in most cases live in a situation of economic dependence.[52]

101. The pension for indigent older persons introduced under Act No. 3728/2009 plays an important role, both socially and economically. Economically, payment of the pension provides an injection of resources into every town in Panama. Between July 2015 and June 2016, approximately US$ 122 million (727,546 million guaranies) were paid out to 132,849 adults.[53] That means that the pension reaches about 2 out of every 10 adults, who then cease to depend exclusively on their families or outsiders for expenditure on food and other necessities.

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[50] Ibid.

[51] Riquelme, op cit.

[52] www.mtess.gov.py/application/files/2314/7765/9442/boletin-estadistico-2016-dgss.pdf.

[53] www.informepresidencial.gov.py/servicios-sociales-eficientes-2016#eje1.

IX. Conclusions and recommendations

102. **Paraguay has adopted a wide range of policies and programmes to ensure the effective enjoyment of the right to food, as part of the right to an adequate standard of living. As highlighted in this report, however, challenges remain, particularly as regards the pay gap and the failure to implement legislation and policies on the right to food.**

103. **Moreover, although the growth of a free-market economy has contributed to the impressive growth achieved by the country over the past few years, that growth has not benefited everyone.**

104. **Poverty remains high in some parts of the country: not only is it becoming entrenched in rural areas, but there is also the risk that it will increase in urban areas, in view of the high rate of internal migration to the towns.**

105. **The situation is difficult for persons living in remote areas, for indigenous peoples and for persons living in extreme poverty. Further thought should be given to the effects of the large-scale agricultural model in order to ensure that there is no negative impact on the enjoyment of the right to food and that protection is provided for small producers.**

106. **In order to fully meet its human rights obligations with regard to the right to food, Paraguay should:**

(a) **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child;**

(b) **Prepare and adopt a human rights-based national framework law on the right to food, with effective benchmarks and implementation plans for each region. The financial framework should also contain the necessary budgetary and taxation measures, provide for long-term sustainability, establish the authorities and agencies responsible for implementation, provide for the proper supervision and accountability of the mechanisms that are established and promote the full and active participation of all interested parties, including those most vulnerable to hunger;**

(c) **Enact impending legislation, including the Act against All Forms of Discrimination, the Act on Extending the Comprehensive Agrarian Reform, the Act on Native and Creole Seeds and the bill on the right to adequate food and nutrition and, in particular, fast track the bill on the right to food sovereignty and nutrition and allocate budgetary and human resources for their effective implementation;**

(d) **Establish an effective legal framework for environmental protection, including, in particular, protection against the use of toxic agrochemical products, which would provide for appropriate sanctions for those who break the law and adequate compensation for persons affected, together with monitoring systems for its implementation;**

(e) **Enact a law introducing tariffs on the export of grain, including soya, which should help to increase tax revenues and, ultimately, social expenditure;**

(f) **Protect and promote family farming as a productive model. Support for small-scale food producers, particularly women, indigenous peoples and young people, should be increased and incomes raised by ensuring fair access to land and other productive resources;**

(g) **Implement the additional contracting method known as the simplified system for purchasing agricultural produce from family farming, in line with Government Decree No. 2000;**

(h) **Improve protection against forced evictions in accordance with the criteria established by the Committee on Economic, Social and Cultural Rights;**

(i) **Monitor the implementation of the agrarian reform programme within the framework of the Constitution of Paraguay and the Comprehensive Agrarian Reform Programme, giving priority to the rights of rural women;**

(j) **Modernize and update the cadastral register, setting a deadline for its finalization. Existing property titles must be reviewed, including those involving lands claimed by indigenous communities, with a view to assessing their legitimacy and resolving overlaps;**

(k) **Develop properly financed comprehensive nutrition policies aimed at dealing with all forms of malnutrition, including obesity and micronutrient deficiency. Their impact should be monitored and assessed on the basis of the relevant human rights indicators;**

(l) **Extend the coverage of school meals, to cover 100 per cent of children, giving priority to rural areas, and using the simplified system for purchasing agricultural produce from family farming (Government Decree No. 2000);**

(m) **Improve systems for the control and monitoring of the excessive use of pesticides;**

(n) **Implement and carefully monitor environmental regulations that protect human health or prevent soil degradation and water contamination that may occur as a result of intensive farming or large-scale animal husbandry;**

(o) **Create seed banks in order to maintain the genetic diversity of seeds and ensure fair participation in any benefits that may arise from the use of such genetic resources;**

(p) **Promote organic farming and agroecology and provide them with support, including financial mechanisms and the introduction of training programmes for agroecological agriculture;**

(q) **Improve the mainstreaming of the gender perspective in the institutional, legal and legislative framework relating to the right to adequate strategies and programmes on food and nutritional security and the right to rural development and support women farmers with additional incentives, access to credit and other agricultural resources;**

(r) **Implement the recommendations of the Special Rapporteur on the rights of indigenous peoples in Paraguay, as set out in her report to the Human Rights Council in 2015;**

(s) **Expand pension coverage and extend food provision to cover 100 per cent of indigent older persons, without discrimination of any kind;**

(t) **Adopt all necessary measures to guarantee the safety and rights of human rights defenders, including those working for economic, social and cultural rights;**

(u) **Implement the voluntary guidelines issued by FAO on activities relating to the establishment of national agricultural policies, and specifically the Voluntary Directives in Support of the Gradual Implementation of the Right to Adequate Food**

in the Context of National Food Security; the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security; and the Principles for Responsible Investment in Agriculture and Food Systems;

(v) Continue efforts to implement the Sustainable Development Goals, particularly Goal 2: "End hunger, achieve food security and improved nutrition and promote sustainable agriculture", and establish a human rights-based national review supervision system.

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Report of the Special Rapporteur on the right to food on her mission to Poland: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Special Rapporteur on the right to food on her country visit to Poland from 18 to 25 April 2016.

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Report of the Special Rapporteur on the right to food on her mission to Poland: comments by the State*

Comments of the Government of Poland to the report of the Special Rapporteur

I. Introduction

1. The Government of the Republic of Poland welcomes the visit of the UN Special Rapporteur (SR) on the right to food to the Republic of Poland from 18 to 25 April 2016 and appreciates a constructive dialogue with the SR during her visit.

2. The Government of Poland welcomes the report of the Special Rapporteur. The Government takes note of the recommendations included in the report and will give due consideration to them

3. The Government of the Republic of Poland thanks the SR for the opportunity to present its comments on the report. The government of the Poland would also like to take this opportunity to provide additional information on some of the main policies regarding the realisation of the right to food in Poland.

II. Comments on the report

1. Paragraph 33

The report states that "the Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that at the end of 2014, identified numbers in Poland included around 15,741 refugees, 2,470 asylum seekers and 10,825 stateless persons".

According to data collected by the Polish authorities under different methodology and definitions related to legalization procedures for foreigners, then those used by UNHCR, numbers in Poland at the end of 2014 included around 1,408 refugees, around 3,500 beneficiaries of other forms of protection, around 2500 asylum seekers and 625 stateless persons.

Moreover, the report includes incorrect information on the location of the reception centers:

According, to the report "Poland hosts 11 reception centres for asylum seekers, which are located far from residential areas".

The reception centers for asylum seekers are located in places such as capital Warsaw as well as in other locations including provincial towns such as Białystok as well as other small towns and villages.

* The present document is being issued without formal editing.

2. Paragraphs 36-38

The government of Poland would like submit additional information that were not included in the report:

As part of the implementation of the National Health Programme for the years 2016-2020 it is planned to conduct a comprehensive epidemiological studies on diet and nutritional status of Polish society with a special focus groups (toddlers, school-aged children and adolescents, pregnant women, the elderly, persons living in units of twenty-four hour stay). Mentioned studies will also concern identification of risk factors for eating disorders, assessment of the level of physical activity, the level of nutritional knowledge and the presence of inequalities in health. This task will be carried out in the years 2017-2020.

3. Paragraph 40

The government of Poland would like to submit additional information that was not included in the report:

Currently two schemes intended to improve the distribution of agricultural products to children in educational establishments (school fruit and vegetables scheme and school milk scheme) are replaced by one single scheme introduced by Regulation (EU) 2016/791 of the European Parliament and of the Council. This change will take effect from the 2017/2018 school year. The single scheme provides for a new common framework for the European Union aid for the supply of fruit and vegetables, processed fruit and vegetable products and for the supply of milk and milk products to children in educational establishments in Poland. In accordance with Article 23(8) of Regulation (EU) No 1308/2013, Member States wishing to participate in the school scheme should draw up a strategy for its implementation. Presently the Ministry of Agriculture and Rural Development is working on mentioned strategy in cooperation with the Ministry of Health.

Furthermore, in the sentence on the number of children that participated in the fruits and vegetables programme ("In the school year 2015/2016, nearly 91 per cent of the target group (ages 6 to 9) – 1.476 million students – participated in the Programme"), the word "students" should be replaced by the word "pupils" as it concerns the school children.

4. Paragraph 41

The report suggests that the programme, „School Promoting Health" (the correct English name is "Health Promoting School") will be carried out by the Ministry of Education and the Education Development Centre. The correct version of this information on the programme should read as follows:

"In another programme, Health Promoting School, teachers are, inter alia, encouraged to eat together with students to monitor the diets of the students, including the lunches that they bring to school. The Health Promoting School programme has been implemented in Poland since 1992 and supported by the Ministry of National Education and the Education Development Centre. The Ministry of Health plans to join the initiative through the dissemination of the programme concept"

5. Paragraph 43

The report suggests that "the Keep fit" national educational programme was operated from 2006 to 2015. In the view of the Government of Poland, this part of the report should be

complemented by information on the current edition of the programme. Moreover, the number of schools and students that participated in the programme should be amended. The correct version of the paragraph would read as follows:

"A specific example of education and awareness-raising is the "Keep fit" national educational programme operated by the Chief Sanitary Inspectorate and the Polish Federation of Food Industry from 2006, covering 8,898 primary and lower secondary schools in Poland, which includes nearly 8 million students. The programme aims to promote a balanced diet and physical activity among teenagers and to educate them in how to permanently develop healthy habits, and promote an active lifestyle and balanced diet based on individual responsibility and free choice. Currently the XI edition of the "Keep fit" programme takes place"

6. Paragraph 44

The Government of Poland wishes to present additional information on this paragraph:

The Minister of Health regulated the principles of children and young people nutrition in educational establishments. The regulation prohibits the advertising of foods containing significant amounts of components critical to health, including sugar, fat and salt. The National Health Programme for the years 2016-2020 highlighted the need to reduce the marketing pressure of products not recommended for excessive consumption (directed in particular to children and adolescents). Performing this task is possible due to the cooperation between the Ministry of Culture and National Heritage, the National Council for Radio and Television, the Ministry of Health and the Chief Sanitary Inspectorate.

7. Paragraph 48

The Government of Poland would like to point out that the WHO International Code of Marketing of Breast-milk Substitutes has been partly implemented in Poland. Therefore, the paragraph should read as follows:

"In terms of the legal framework, breastfeeding is explicitly supported by the regulation of the Minister of Health of 20 September 2012 concerning the standards of conduct and medical procedures during the provision of health services in the field of prenatal care, birth, post childbirth and infant care. The regulation seeks to ensure the implementation of standardized practices to support breastfeeding in all branches of gynecology and obstetrics in Poland. The WHO International Code of Marketing of Breast-milk Substitutes (1981) which supports breastfeeding and aims at reducing the impact of advertising of milk substitutes is partially implemented by this regulation and by the Act of 25 August 2006 on food safety and nutrition".

8. Paragraph 49

Poland would like to inform that breaks for breastfeeding are not only included in the working time, but they are also paid and may be granted jointly. It needs to be stressed that also women working half-time are entitled to breaks for breastfeeding. Moreover, the report includes the incorrect information that the breaks for breastfeeding are granted only to women who work more than 4 hours during the day. The corrected paragraph should read as follows:

"The entitlements of female employees in relation to breastfeeding are defined in the Labour Code (Article 187), entitling them to two paid half-hour breaks during their

working hours if they work more than six hours per day. Women breastfeeding more than one child are entitled to two 45-minute breaks. Women who work more than 4 hours and less than 6 are entitled to one break. Breaks for breastfeeding are granted only to women who work more than 4 hours during the day. The regulations apply throughout the time if woman decides to breastfeed, without an upper age limit of the child".

Additionally, the Government of Poland wishes to present the additional information on the human milk banks. There is growing network of human milk banks in Poland. On December 30, 2016, the new tariff on guaranteed services in the field of hospital treatment was enacted. Due to the last year changes dedicated to financing from the public founds the enteral feeding with mother's milk or human milk from the bank, premature and sick babies have access to human milk. The use of breast milk for feeding premature and sick newborns protects the right of children to proper nutrition, improves the condition of the child and increases the chances for the continuation of breastfeeding.

9. Paragraph 51

The Government of Poland wishes to present the correct information on the implementation of the Baby-friendly Hospital Initiative:

"As for policy initiatives, the Ministry of Health supports the Baby-friendly Hospital Initiative, launched in 1991 by WHO and UNICEF, which aims to implement practices that protect, promote and support breastfeeding. More specifically, the objectives of the initiative are to support early initiation of breastfeeding (during the first hour after birth) and to promote exclusive breastfeeding for the first six months of life. 7 out of „10 steps to successful breastfeeding" have been implemented to the standards of perinatal and maternal care, which are in force on national level.

According to the National Health Programme for the years 2016 - 2020 there are programs dedicated to training for medical staff in hospitals, which want to participate in a child-friendly hospital initiative. The Programme also supports all activities dedicated to promotion of the International Code of Breast-milk Substitutes and supporting breastfeeding. The Baby Friendly Hospital Initiative is conducted in Poland by the non-governmental organization - the Committee of Promotion of Breastfeeding. Currently 92 hospitals in Poland have been certified as "baby-friendly".

10. Paragraph 63

The Government of Poland would like to point out that the dates for the ratifications of the enumerated acts are incorrect. Poland has ratified the Framework Convention on Climate Change on 28 July 1994 and to the Kyoto Protocol of 13 December 2002. Poland has also ratified (not only signed as it states in the report) the Paris Agreement on 7 October 2016.

11. Paragraph 70

The information on the plan of sampling for testing food should be clarified in the following manner:

"The State Sanitary Inspectorate prepares and implements a consolidated annual Sampling Plan for testing of food under official control and monitoring for the State Sanitary Inspection, which takes in to account the applicable legislation on food safety. This annual Plan covers all issues related to testing food, including pesticide residues testing".

III. Conclusion

4. In conclusion, the Government of the Republic of Poland would like to assure the SR of its continuous support for her mandate and wish to thank her again for the report on her mission to the country.